

REMARKS

This Response is submitted in reply to the Office Action dated November 6, 2009. Claims 54, 63, 67 and 69 have been amended for clarity. Claims 1 to 53, 55, 59 and 62 were previously cancelled. A Supplemental Information Disclosure Statement is submitted herewith. Please charge deposit account number 02-1818 for the cost of this Supplemental Information Disclosure Statement and for any fees associated with this Response.

The Office Action rejected Claims 54, 56 to 58, 60, 61, 63 and 65 to 71 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,146,273 to Olsen.

Applicant respectfully submits that Olsen is not prior art to at least Claims 54, 56, 57, 60, 61, 63 and 65 to 70 for at least the following reasons.

Under a first interpretation, the Office Action interprets the null symbols described in column 24, lines 40 to 44 and column 30, line 31 to column 31, line 27 of Olsen as the end game symbols of the methods of operating a gaming machine of Claims 54, 56, 57, 60, 61, 63 and 65 to 70.

Under a second alternative interpretation, the Office Action interprets the last value symbol selected in the play of the bonus game illustrated in Figure 13 of Olsen and described in column 24, lines 1 to 39 and column 30, line 31 to column 31, line 27 of Olsen as the end game symbols of the methods of operating a gaming machine of Claims 54, 56, 57, 60, 61, 63 and 65 to 70.

The Office Action further interprets the bonus game illustrated in Figure 13 of Olsen and described in column 24, lines 12 to 17 and column 30, line 31 to column 31, line 27 of Olsen as: (i) the displayed individual numerical award values associated with the randomly generated award value symbols and (ii) the summing of the individual displayed numerical award values associated with any displayed award value symbols to form an accumulated winnings value, of the methods of operating a gaming machine of Claims 54, 56, 57, 60, 61, 63 and 65 to 70.

The effective date for Olsen is the filing date of March 30, 1998. Specifically, as Olsen is a continuation-in-part patent application of U.S. Patent

No. 6,110,043 ("the parent patent") and as the subject matter illustrated in Figure 13 of Olsen and described in column 24, lines 1 to 39 and column 30, line 31 to column 31, line 27 of Olsen was not described in the parent patent, the effective date of such subject matter from Olsen is March 30, 1998.

The present patent application is a continuation patent application of U.S. Patent Application No. 10/161,498, filed on June 3, 2002, which issued as U.S. Patent No. 6,648,759, which is a continuation patent application of U.S. Patent Application No. 09/540,259, filed on March 31, 2000, which issued as U.S. Patent No. 6,398,218, which is a continuation patent application of U.S. Patent Application No. 09/346,210, filed on July 1, 1999, which issued as U.S. Patent No. 6,059,289, which is a continuation patent application of U.S. Patent Application No. 09/260,634, filed on March 2, 1999, which issued as U.S. Patent No. 6,033,307, which claims priority to Provisional Patent Application No. 60/077,042, filed on March 6, 1998 and Provisional Patent Application No. 60/077,511, filed on March 11, 1998.

Applicant submits that each and every element of at least Claims 54, 56, 57, 60, 61, 63 and 65 to 70 are supported by both Provisional Patent Application No. 60/077,042, filed on March 6, 1998 and Provisional Patent Application No. 60/077,511, filed on March 11, 1998. Thus, the effective date for at least Claims 54, 56, 57, 60, 61, 63 and 65 to 70 is March 6, 1998.

Accordingly, Applicant respectfully submits that Olsen is not prior art to Claims 54, 56, 57, 60, 61, 63 and 65 to 70 and such rejection is improper.

Regarding Claim 58, the Office Action stated:

Olsen discloses wherein the plurality of game symbols include null symbols in the game symbols (see co1. 24, lines 40-44); wherein the value symbols include positive integer values (see co1.24, lines 14-17); wherein the value symbols include negative integer values 1 the current value jackpot (see GAME I Table in co1. 18). It is apparent to Examiner that if the symbols can include positive integers, therefore from the current value of the jackpot as seen in the GAME I Table that shows negative integers, then it is a preference to include values that are negative integers.

Applicant respectfully disagrees and submits that a method of operating a gaming machine having a plurality of game symbols at least including a plurality

of different award value symbols including negative integer values and which causes a display of the gaming machine to display, for each of any randomly generated award value symbols of the randomly generated combination of the plurality of game symbols, an individual numerical award value associated with said randomly generated award value symbol is patentably different than a current value of a jackpot pool dropping below zero. That is, the negative jackpot pool value of Olsen is not an award value symbol which is displayed as an individual numerical award value associated with a randomly generated award value symbol. Moreover, the negative jackpot pool value of Olsen is not summed with the individual displayed numerical award values associated with any displayed award value symbols to form an accumulated winnings value. On the other hand, the method of operating a gaming machine of Claim 58 includes, amongst other elements, (a) randomly generating a combination of a plurality of game symbols, the plurality of game symbols at least including a plurality of different award value symbols including negative integer values and a plurality of end game symbols, (b) causing a display of the gaming machine to display: for each of any randomly generated award value symbols of the randomly generated combination of the plurality of game symbols, an individual numerical award value associated with said randomly generated award value symbol, (c) summing the individual displayed numerical award values associated with any displayed award value symbols to form an accumulated winnings value, (d) repeating steps (a) and (c) until a predetermined number of said end game symbols have been randomly generated in the generated combinations of the plurality of game symbols, said predetermined number being at least one, and (e) ending play when the predetermined number is reached.

For at least these reasons, Applicant submits that Claim 58 is patentably distinguished over Olsen and is condition for allowance.

Claim 71 includes certain elements similar to certain elements of Claim 58. For reasons similar to the reasoning discussed above with respect to Claim 58, Claim 71 is patentably distinguished over Olsen and is in condition for allowance.

The Office Action rejected Claims 64 and 72 under 35 U.S.C. §103(a) as being unpatentable over Olsen in view of U.S. Patent No. 6,234,897 to Frohm et al. ("Frohm").

Applicant submits that each and every element of at least Claims 64 and 72 are supported by both Provisional Patent Application No. 60/077,042, filed on March 6, 1998 and Provisional Patent Application No. 60/077,511, filed on March 11, 1998. Thus, the effective date for at least Claims 64 and 72 is March 6, 1998. As described above, the effective date for Olsen is the filing date of March 30, 1998. Accordingly, Applicant respectfully submits that Olsen is not prior art to Claims 64 and 72.

Column 1, lines 56 to 62 of the background of the invention of Frohm disclose:

[t]he bonus game is entered upon the appearance of a special symbol combination of start-bonus symbols on the reels of the slot machine in the base game. In the bonus game, the probability of winning combinations appearing on the reels, or the "hit rate," is much greater than that of the base game. The player is permitted to keep playing and accumulate winnings from the bonus game until a losing trial occurs.

Column 2, lines 13 to 24 of the summary of the invention of Frohm disclose:

[a] slot machine comprises a spinning reel display and a bonus game. The spinning reel display shows a plurality of symbols on each of a plurality of rotatable reels. The reels are rotated and stopped to place the symbols of each reel in visual association with a pay line. The pay line is associated with at least one of the symbols on each of the reels. The bonus game is triggered in response to start-bonus symbols from the respective stopped reels appearing in the spinning reel display. The bonus game having different expected values based on different arrangements of the start-bonus symbols in the spinning reel display.

As described in the Response to Office Action dated September 8, 2009 and reiterated herein, unlike the method of operating a gaming machine of Claim 64, Frohm does not anticipate or render obvious (without improper hindsight reconstruction) randomly generating a combination of a plurality of game

symbols, the plurality of game symbols at least including a plurality of different award value symbols and at least one end game symbol.

As also described in the Response to Office Action dated September 8, 2009 and reiterated herein, unlike the method of operating a gaming machine of Claim 64, Frohm does not anticipate or render obvious (without improper hindsight reconstruction) summing the individual displayed numerical award values to form an accumulated winnings value.

As further described in the Response to Office Action dated September 8, 2009 and reiterated herein, unlike the method of operating a gaming machine of Claim 64, Frohm does not anticipate or render obvious (without improper hindsight reconstruction) individual symbols that end the play of the bonus game.

For at least these reasons, Applicant submits that Claim 64 is patentably distinguished over Frohm and is condition for allowance.

Claim 72 includes certain elements similar to certain elements of Claim 64. For reasons similar to the reasoning discussed above with respect to Claim 64, Claim 72 is patentably distinguished over Frohm and is in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: February 3, 2010